MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

APRIL 15, 2014

INVOCATION:
Pastor Gary Hanson of Grace Lutheran Church gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Patino called the meeting to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Deputy City Manager Barnhard, City Librarian Housel, Deputy City Manager Lara, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, and Chief Deputy City Clerk Garietz.

Announcement
City Attorney Trujillo recommended that the City Council add a matter to the Closed Session agenda pursuant to Government Code Section 54954.2(b)(2) and 54956.9(b). He indicated that the City Council may discuss and take action on a matter not on the agenda if, by two-thirds vote, it makes the findings that 1) there is the need to take immediate action; and 2) the need to take immediate action came to the attention of the City after the agenda was posted.

City Attorney Trujillo stated that the City received a letter from MALDEF after the agenda was posted that threatened litigation due to the City's rejection of the petition for district council elections. The letter was received on Friday, April 11, 2014, at 6:08 p.m. The letter demanded a response by today, April 15, 2014. Mr. Trujillo indicated that he asked for, and MALDEF agreed to, an extension to Thursday, April 17, 2014, to respond.

Staff recommended a motion that Council find an immediate need to confer with legal counsel in closed session under the anticipated litigation exception to the Brown Act; significant exposure to litigation-one potential case; and the need for action came to the City's attention after the agenda was posted.

The City Council determined that 1) there was an immediate need to confer with legal council in a closed session under the anticipated litigation exception to the Brown Act, 2) significant exposure to litigation-one potential case, 3) the item came to the attention of staff after the agenda was published; 4) a Closed Session was needed to address CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9., on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

1. PROCLAMATIONS/PRESENTATIONS:

A. PROCLAMATION – ARBOR DAY
Councilmember Boysen presented a Proclamation declaring April 25, 2014, as "Arbor Day" in the City of Santa Maria, and urging the entire community to support future generations by planting trees to assist in restoring the City's urban forest. Chris Slaughter and Bob Engel accepted the Proclamation.

B. VOLUNTEER OF THE MONTH
W. Wayne Peterson was recognized as the Library's Volunteer of the Month. Councilmember Zuniga presented a certificate and plaque to him recognizing him as a long time Library Board of Trustee member.

City Librarian Housel thanked Mr. Peterson for his thirty-six years of volunteering and said he had been instrumental in helping out when the library was short-staffed. His efforts in the children's section were particularly impactful as well.

C. PROCLAMATION – DISTRACTED DRIVING MONTH
Mayor Patino presented a Proclamation declaring the month of April 2014, as "Distracted Driving Awareness Month" in the City of Santa Maria, and encouraging all residents to commit to not using their cell phones and electronic devices while driving. Eilene Okerblom accepted the Proclamation and a few members of the City Police Department and California Highway Patrol shared their experiences with distracted drivers.

D. PROCLAMATION – DONATE LIFE MONTH
Councilmember Zuniga presented a Proclamation declaring the month of April 2014 as "Donate Life Month" in the City of Santa Maria, and encouraging all residents to check YES to donating their organs when applying for or renewing their driver's license or ID card. Susan Friesen accepted the Proclamation.

E. PROCLAMATION – DAY OF PRAYER
Councilmember Green presented a Proclamation declaring May 1, 2014, as "Day of Prayer" in the City of Santa Maria, and encouraging people of all faiths to participate in Day of Prayer according to their own traditions. Cecile Prevost and Kathy Staples accepted the Proclamation.

F. PROCLAMATION – SAFE DIGGING MONTH
Councilmember Orach presented a Proclamation declaring the month of April 2014, as "Safe Digging Month" in the City of Santa Maria, and encouraging all residents to utilize the 811 helpline prior to beginning any projects that require digging. PG&E's Central Coast Regional Director, Papia Gambelin, and John Shoals accepted the Proclamation.

2. PUBLIC COMMENT PERIOD
There were no requests to speak.

3. CONSENT CALENDAR:
Consent Calendar Items 3A through 3H were approved on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Special City Council Meeting of March 27, 2014, were approved as submitted.

C. MINUTES
The Minutes of the Regular City Council Meeting of April 1, 2014, were approved as submitted.

D. WARRANTS
Warrant Nos. 185768 to 186015 totaling $3,378,489.50 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 178825, 178831, 185631 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. REDEVELOPMENT AGENCY LEASE REVENUE REFUND BONDS
Resolution No. 2014-32 was adopted authorizing the early payoff of the 2003 Redevelopment Agency Lease Revenue Refunding Bonds.

Resolution No. 2014-32 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE PAYOFF OF THE 2003 REDEVELOPMENT AGENCY (RDA) LEASE REVENUE REFUNDING BONDS TWO YEARS EARLY.

G. TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIM FOR FISCAL YEAR 2014-15
Resolution No. 2014-33 was adopted approving the Transportation Development Act claim for fiscal year 2014-15 to include $76,148 for regional transportation planning distributed to the Santa Barbara County Association of Governments; $77,702 for pedestrian and bikeway facilities; $500,000 for streets and roads; and $4,284,692 for transit or paratransit purposes, plus State Transit Assistance (STA) funds, if available, to be allocated for mass transportation or local transportation planning.

Resolution No. 2014-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE FILING OF A CLAIM WITH THE SANTA BARBARA COUNTY OF ASSOCIATION OF GOVERNMENTS FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FUNDS FOR FISCAL YEAR 2014-15.

H. FEDERAL TRANSIT ADMINISTRATION GRANT
Resolution No. 2014-34 was adopted approving the receipt of Federal Transit Administration 5339 Grant for the purchase of one (1) Breeze bus and one (1) support van in the amount of $296,891.

Resolution No. 2014-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING RECEIPT OF FEDERAL TRANSIT ADMINISTRATION (FTA) 5339 CAPITAL ASSISTANCE FOR THE PURCHASE OF ONE (1) BREEZE BUS AND ONE (1) SUPPORT VAN.

PUBLIC HEARING:

4. 2014 WEED ABATEMENT PROGRAM. Director of Public Works Whitehead gave a presentation as detailed in the written Council Agenda Report. Each year the Public Works Department administers the Weed Abatement Program removing weeds, rubbish, and other undesirable materials from public spaces. The program reduces health hazards to the public by aiding in fire prevention and pest reduction and helping with upkeep of lots lacking regular maintenance. On March 18, 2014, the City Council adopted Resolution No. 2014-19 declaring that public and unimproved private lots described in Exhibit A of the resolution constituted a public nuisance and set April 15, 2014, as the date Council would hear comments or objections regarding the requirements to destroy weeds and remove rubbish, refuse, and dirt from said properties.

The 2014 City Weed Abatement Program began with Streets and Facilities staff mailing abatement letters to the owners of 240 properties listed on Resolution No. 2014-19. The purpose of the abatement letter was to make certain that property owners are aware that property they own requires appropriate maintenance. They were advised they had the option to sign and return the letter to the Streets & Maintenance Supervisor as an indication of their intention to accomplish abatement on their own. Their signature would indicate they will continually abate said nuisances in the case of recurrence. Owners of undeveloped lots who could not be reached by mail had their lots posted. Posting is performed within two (2) working days of receiving the returned abatement letter back from the US Postal Service. Staff will post developed lots only at the request of the City of Santa Maria Code Compliance Office or the Fire Department.

Property owners who do not choose to perform their own abatement on their property subject their property to abatement by City contractor and will be charged for the service. Actual City abatement cost, plus an assessment for program administration, will be added to their property tax bill. Reimbursements are collected by the County of Santa Barbara and remitted to the City of Santa Maria.

Chief Deputy City Clerk indicated that no written communications were received.

Mayor Patino opened the Public Hearing at 7:10 p.m. and, receiving no requests to speak, Mayor Patino immediately closed the Public Hearing at 7:10 p.m.

Council discussion
Councilmember Orach commented that weeds seemed to be minimal this year due to little rain.

Councilmember Boysen indicated that he would make a motion to approve Resolution No. 2014-35 and 2014-19.

Chief Deputy City Clerk Garietz asked for clarification of the motion indicating that only Resolution No 2014-35 was being presented for consideration.

After amending the motion to exclude Resolution No. 2014-19, Resolution No. 2014-35 was adopted overruling objections to the abatement and directing the abatement of the nuisances on motion by Councilmember Boysen, and seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2014-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

5. CIVIC CENTER UNDERGROUND UTILITIES DISTRICT. Mayor Patino opened the Public Hearing at 7:14 p.m. Director of Public Works Whitehead then gave a presentation as detailed in the Council Agenda Report. PG&E's "Rule 20" is a rule governing the conversion of electrical distribution lines from above ground to underground. Rule 20A was established to provide for undergrounding utility lines in "public benefit" areas such as downtown commercial areas, parks, community common areas, major thoroughfares, and scenic vistas of common community importance. It was established so that areas of common public use within a community could be free from overhead utility lines and cables.

All ratepayers within the community pay small amounts on their monthly bills toward these projects. The funds are then represented by "Work Credits" that accumulate to the community for future projects. When a project is completed, the actual costs are added to the utility rate base. This investment in rate base is then recovered from all PG&E customers through rates over the life of the investment, typically 30 years.

In October 1983, the City adopted a priority list for future undergrounding service districts. Westside Redevelopment; North Broadway, Alvin Avenue to Donovan Road; and West Main Street districts are completed. South Broadway, Betteravia Road to Santa Maria Way, has underground electrical utilities installed by development and remaining priorities are East and West Stowell Road, and East and West Donovan road.

With the advent of the Downtown Specific Plan (DTSP), consideration should be given to adopting a new priority list that includes downtown areas for new undergrounding service districts. Currently, the City of Santa Maria annual allocations of work unit credits amount to approximately $5.6 million. PG&E has advised the City that current work unit credits are available for Civic Center Underground Utility District work.

There are opportunities to convert existing overhead utility lines to underground within the DTSP. Not all lines being considered for conversion qualify for the Rule 20A program. Those that are not eligible may require the City to dedicate funding toward the undergrounding. Staff has worked together with PG&E to create an efficient project that maximizes public benefit given the available funding credits. Portions of the DTSP Gateway District, Garden District, Railroad Loft District, and Bungalow District have been included within the boundary of the proposed Civic Center Underground Utility District.

Much of the funding for the undergrounding project will come from Rule 20A credits, however, some property owners will have to bear some costs. The City has selected the option for PG&E to manage and cover all costs of the conversions of the private electrical panels (with the exception of those needing to be brought up to code). Additionally, the Rule 20A program includes a partial subsidy for costs to install underground conduits from the main utility line to each property. If the distance of this future conduit will be less than 100 feet, there will be no cost to the property owner. If they exceed 100 feet, property owners must pay the costs for additional installation. There are 46 properties located within the proposed district. PG&E advised their initial analysis of this project shows that only one or two properties will possibly incur any costs as a result of this project. The City will work with property owners to minimize these costs (expected to be less than $1,000).

The proposed Civic Center Underground Utility District will provide a major aesthetic benefit to the community by enhancing visual qualities of the Downtown area. Some private property owners will experience cost impacts to extend their connections to the new underground utility facilities; however, the City and PG&E will seek to minimize these costs.

With the adoption of this resolution, design work would start in March of 2015. Overall, the project would take about four (4) years to complete.

Council discussion
Councilmember Boysen asked if there were any projects needing attention sooner since a commencement date of March 2015 offers a long lead time.

Public Works Director Whitehead indicated that it would be appropriate during this time to discuss the establishment of a new priority list. He indicated that East and West Donovan Road and East and West Stowell Road might be a place to start as they have a concentration of overhead utilities and both roads are gateways into the community. He requested the Council's input and he also suggested the Miller Street corridor.

Councilmember Boysen asked if it would be possible to focus solely on the Downtown area. Director Whitehead suggested that staff could do a little more research and provide other areas of possible interest to Council for their review and consideration.

Councilmember Orach expressed interest in the Santa Maria High School area for safety and public aesthetics. Miller Street also was mentioned as a potential area for undergrounding.

Councilmember Zuniga asked if there was a cost for the relocation of Verizon and Comcast wiring.

Director Whitehead said PG&E, Verizon, and Comcast will share the expense.

Mayor Patino asked about the cost to private property owners and what happens if the owner cannot afford to pay the costs.

Director Whitehead responded the costs to private property owners would not be known until the design was started, but at this point, it appeared there may be only one property owner who may have to pay a portion of the cost if their underground conduit from the main line is more than 100 feet in length. If they were unable to pay, they would need to contact the Public Works Department to discuss.

Councilmember Orach asked about other services like WiFi and if this project was a good opportunity to combine services for schools, etc.

City Manager Haydon said the City is working on a fiber loop that goes down Miller Street. Director of Utilities Sweet responded that the Souza Center is one of the locations the City is allowing to connect to the fiber loop.

Chief Deputy City Clerk Garietz indicated that no written communications were received and there were no requests to speak.

Mayor Patino closed the Public Hearing at 7:39 p.m.

Resolution No. 2014-36 was adopted establishing an underground utility district in a portion of the City of Santa Maria designated an underground utility district, and authorizing the Director of Public Works to implement the same on motion by Councilmember Orach, and seconded by Councilmember Boysen, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2014-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT IN A PORTION OF THE CITY OF SANTA MARIA DESIGNATING SAID DISTRICT AN UNDERGROUND UTILITY DISTRICT NO. 2014-01 DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND

ESTABLISHING THE TIMES IN WHICH POLES AND OVERHEAD WIRES SHALL BE REMOVED AND UNDERGROUND SERVICE PROVIDED.

Direction was also given to staff to investigate the Downtown Specific Area undergrounding options in addition to the Donovan and Stowell Road areas and bring a new list for Council's consideration prior to the end of the fiscal year.

REPORT BY CITY MANAGER:

City Manager Haydon reported on items anticipated for the May 6, 2014, City Council meeting including: a closed session at 5:30 p.m.; the Utility Department's Water Awareness Poster Contest winners, a water video award and a proclamation for water awareness month; five other proclamations including "Go Western Days" encouraging Council and Staff to wear western wear at the next Council meeting and over the next month; several consent agenda items including a summary vacation for Windset Farms; an award of bid for the waterline replacement project; the Measure A program of projects; a business license fee adjustment; the 3rd Quarter Financial Report; a resolution for the CalPERS Exemption to 180-day wait period for a new retiree and a Regular Business item from the Office of Independent Review currently auditing the City's Police Department.

Mr. Haydon reminded everyone that the next Serve Santa Maria Day will be on April 26, 2014, with a breakfast kick-off at 9:00 a.m. at the Abel Maldonado Youth Center.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):

Councilmember Zuniga reported that she attended a Community Action Commission meeting and presented a Proclamation to Ricardo Gabaldon who was retiring from Righetti High School after 40 years of service.

Councilmember Orach reported that his grandchildren recently took the train from Santa Barbara to Santa Maria and he encouraged all to take advantage of the train system.

Councilmember Green reported that he attended the Strawberry Recognition Dinner at the Fairpark, and the Veterans' Treatment Court Graduation Ceremony at the Library.

Councilmember Boysen expressed appreciation of Community Development Director Appel and City Attorney Trujillo for their work with the Planning Commission and the Downtown Specific Plan with regard to a local car wash and property zoning issues that had arisen during their efforts to develop. He said he was confident that a solution had been reached. He thanked members of the public and the City employees who participated in the Good Samaritan "Fun Color Run." He also indicated that he has met with City staff and is close to finalizing an aggressive anti-panhandling Ordinance.

Mayor Patino reported that she attended the North County sub-regional meeting; spoke to residents at Casa Grande Mobil Estates; met with the Recreation and Parks department; attended the CALM fundraiser; the Mayor's luncheon in Lompoc; judged the 19th Annual Central Coast Orchid show; attended the Fairpark Board Meeting; attended the Strawberry Recognition Dinner; and the grand opening of the Hancock College Student Services Administrative Building.

CLOSED SESSION:

The City Council recessed at 7:56 p.m. to a closed session regarding 1) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (d)(1) of Section 54956.9) JAVIER BRAVO SR., ET AL. v. CITY OF SANTA MARIA ET AL., Case No. 2:06-CV-06851-FMO (Shx), United States Federal Court, Central District of California; and 2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9.

CLOSED SESSION REPORT:

After the closed session, City Attorney Trujillo reported:

1) Conference with Legal Counsel – Existing Litigation re: Bravo v. City of Santa Maria: Council, by 5-0 vote, agreed to enter into a General Agreement of Indemnity with the Liberty Mutual Fire Insurance Company.

2) Conference with Legal Counsel – Anticipated Litigation: No reportable action.

ADJOURNMENT:
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 9:04 p.m.

APPROVED:

May 6, 2014
Date

Rhonda Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST:

Rhonda Garietz
Chief Deputy City Clerk